THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.4317 of 2007

12.3.2007

Between:

M.Man Mohan, S/o.M.Narsimha Rao

… Petitioner

AND

The District Collector, Ranga Reddy District
And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.4317 of 2007

ORDER:

The petitioner allegedly got the house site admeasuring 220 Sq.yards (183.92 Sq.mts) bearing plot No.25 in survey No.43 situated at Old Bowenpally village in Ranga Reddy District under registered gift deed dated 13.11.2006 executed by his father. The petitioner obtained building permission under A.P. Municipalities Act, 1965 from Kukatpally Municipality vide proceedings No.G1/294/5838/06-07, dated 30.12.2006 for construction of a residential house. He alleged that when construction was in progress, at the behest of fourth respondent, second respondent asked him to stop construction, aggrieved by which the present writ petition is filed.

After getting instructions, learned Assistant Government Pleader for Revenue (General-T) submits that the dispute between the petitioner and fourth respondent is governed by private law and therefore writ petition would not lie. In support of the contention, he relied on paragraph 5 of the affidavit accompanying the writ petition, which reads as under.

> It is humbly submitted before this Hon'ble Court that, as the matter stood above, I have not constructed any house in the schedule land, however in the mean time the 4th respondent accompanied with her husband dumped some sand and granite stones materials in my schedule land property without any valid documents as I prevented she stop to interfere and instigated the authorities to act on her behalf and the 2nd respondent M.R.O. Bowenpally came to that land and asked me to stop to enter into that land. I am unable to place any material for construction in my own land aggrieved by that I asked, under what authority he is acting for that, but he kept quite without saying anything. However, aggrieved by that I also make oral complaint to the District Collector kept quite without any action. However, in the similar situation this

> Hon'ble High Court was pleased to give the direction in WPMP No.27152 of 2003 in 27157 of 2003, that "if the construction is proceeded in accordance with the sanction plan granted by the Kukatpally Municipality, the respondents shall not interfere with the construction" by that I also orally reported this matter to the circle Inspector of Bowenpally kept quite without any action.

A careful reading of the above averments/allegations would certainly support the contention of the learned Assistant Government Pleader that it is a private dispute for which petitioner has to seek redressal in a civil Court. Learned Counsel for the petitioner however vehemently contends that when the petitioner prevented the fourth respondent from interfering with his possession, he instigated second respondent to stop construction. This is a submission, which is not born out by any record, is misconceived. Therefore, this Court is not inclined to entertain the writ petition. The petitioner may approach the civil Court and seek proper relief.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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March 12, 2007 (**V.V.S.RAO,J**)

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